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DATE: January 10, 2005

TO: Clark F. Dexter

Fax No.: 571-273-4505

FROM: George Jakobsche

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(including this page): 2

Our File: BDL-353XX

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Appl. No.: 09/902,529

Sent by: GJJ

Dear Examiner Dexter:

Thank you for taking time to discuss this case, and the final art rejection, with me by telephone on January 6, 2005. As we agreed, I asked our foreign associate to review the cited French Pat. No. 1,491,848 ('848) for disclosures related to the ball 9 and, more particularly, if the '848 patent discloses rotation of the ball about an axis parallel to the direction of travel of the ball as the ball is depressed into, and then released from, the bore 1a as the two cylinders 1 and 2 rotate. (Note that, even if the ball 9 were free to rotate, "dragging" the ball along the sheet B would produce a different rotation, i.e. a rotation about an axis perpendicular to the depression/release direction.) I also asked our associate to review the disclosure for information about the speed at which the sheet B travels, relative to the speed of the surface of the rotating cylinders 1 and 2.

I attached a copy of our associate's response. From the translated portions, it is clear the ball 9 is held tightly. Indeed, the ball is "set" in its housing 3a, in the way a jewel is "set" in a jewelry setting, i.e. tightly. This is consistent with Fig. 2 (and shown more clearly in Fig. 3), which shows the ball 9 gripped by the housing 3a of the setting 3.

Regarding the speed at which the sheet B moves, from the translation it is clear the sheet moves at the same speed as the periphery of the cylinders 1 and 2. Thus, there is no force exerted by anything disclosed in the '848 patent that would tend to rotate the ball, especially about an axis that extends parallel to the direction in which the ball 9 is depressed and released. As I indicated during our telephone conversation, we would be willing to amend the claims to recite "moving the perforating member in a rotating movement about an axis that is parallel to a longitudinal axis of the perforating member," or words to that effect.

I would like to discuss this case and our proposed amendment with you by telephone at your convenience. I am generally available between 7:30 AM and 5:10 PM, except the mornings of January 13, 14 and 20. I will telephone you tomorrow to schedule a telephonic interview.

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In order to overcome the last objections of the Examiner, would you please note that the following characteristics are disclosed in document FR 1 491 848 :

1) Concerning the rotation of ball 9 :

page 2, col. 1, lines 13-15 : "*bille 9 retenue par sertissage dans le logement 3a d'une monture 3 qui est engagée dans le logement 1a*" :  
ball 9 is held by setting in housing 3a of a setting 3 which is inserted in housing 1a.

You will note that "sertissage" is a usual jewellery French term : this involves that the part is tightly held. Consequently, in the present case, ball 9 which is held by setting, is no more capable of any movement or any rotation.

2) Concerning the speed of fabric B :

page 1, col. 1, lines 35-39 : "*la feuille ou bande trouve passage entre lesdits supports tournants, tandis que l'action de poinçonnage s'opère progressivement en même temps que sont déplacés simultanément la bande ou feuille et le ou les poinçons et matrices, ...*" :  
"the sheet or strip passes through said rotating supports, while there is gradual punching at the same time as the sheet or strip and the die(s) and the moulds are simultaneously driven".

- page 2, col.2, lines 15-16 : "*les vitesses étant synchronisées...*" :  
"speeds being synchronized...",
- page 2, col.2, lines 25-32 : "*Aucune tension anormale ne peut s'exercer sur la feuille ou bande et il ne se produit aucune déchirure puisque les outils de perforation accompagnent la bande pendant que s'opère le poinçonnage. A noter encore que le poinçonnage ou perforation s'opère sans que l'on ait à exercer une commande ou une impulsion spéciale chaque fois*" :  
"no unusual tension can act on the sheet or strip and there is no tear since the perforating devices go with the strip while punching. It has to be noted there is punching or perforating without any order or impulse being practiced".

Thus, it is clear that the sheet or strip moves at the same speed than the punching devices at the periphery of the cylinders 1 and 2.